

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:15cv223**

MARGE and MICHAEL IANNUCCI,)
)
Plaintiffs,)
)
v.) **ORDER**
)
CVS RX SERVICES, INC., et al.,)
)
Defendants.)
)

Pending before the Court is the Second Motion to Dismiss [# 19] filed by Defendant CVS Rx Services, Inc. (“Defendant”). Plaintiffs, who are proceeding *pro se* in this matter, will now be advised of their obligation to respond and the time for doing so.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiffs are cautioned that Defendant has filed a Second Motion to Dismiss. In its motion, Defendant contend that the claims asserted against it are subject to dismissal as the result of Plaintiffs’ failure to perfect timely service of process. Previously, this Court set forth Plaintiffs’ obligation to perfect service of process on each Defendant and provided Plaintiffs with additional time to do so. (Mem. & Recommendation, Mar. 29, 2016, ECF No. 12.) The Court also warned Plaintiffs

that the failure to perfect service would result in the dismissal of this lawsuit. (*Id.* at 21; Order, Apr. 13, 2016, ECF No. 15.) Plaintiffs should respond to the Second Motion to Dismiss and demonstrate that they complied with the Court's prior Orders and perfected service on each Defendant.

Plaintiffs are advised that the method for responding to Defendant's motion requires that they file a written "response" to Defendant's motion within the time allowed by this Order. A copy of such response must be sent to counsel for all other parties, and Plaintiffs must certify that they made such service in a "certificate of service" indicating the manner in which such service was made. Accordingly, the Court **INSTRUCTS** Plaintiffs that they should file a written response to Defendant's Second Motion to Dismiss by July 17, 2016. Plaintiffs' written response should not exceed twenty-five pages in length. The failure to respond to the motion may result in an Order being entered dismissing Plaintiffs' case.

Signed: July 7, 2016

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

